

CENTERVILLE TOWNSHIP CONSUMER FIREWORKS ORDINANCE
ORDINANCE NO: 2013-05
Adopted June 12, 2013, Amended June 17, 2020

An Ordinance to secure the public health, safety and general welfare of the citizens of Centerville Township, Leelanau County, Michigan, by regulating the use of Consumer Fireworks in Centerville Township, as provided in Public Act 256 of 2011, and as amended in Public Act 65 of 2018 (MCL 28.451, *et seq.*).

CENTERVILLE TOWNSHIP ORDAINS:

Section 1: Findings

The Township Board makes the following findings:

Public Act 246 of 1945 (MCL 41.181, *et seq.*) authorizes Centerville Township to enact ordinances that regulate the public health, safety and general welfare of persons and property. Public Act 256 of 2011, as amended (MCL 28.451, *et seq.*) authorizes Centerville Township to enact an ordinance regulating the ignition, discharge, and use of Consumer Fireworks. The Township Board believes an ordinance prohibiting the ignition, discharge, and use of Consumer Fireworks, to the extent allowed by Public Act 256 of 2011, as amended, is in the interest of public health, safety and general welfare.

Section 2: Title

This Ordinance shall be known and cited as the Centerville Township Consumer Fireworks Ordinance.

Section 3: Definitions

The following definitions apply for purposes of this Ordinance:

- a. Consumer Fireworks: Fireworks devices that are designed to produce visible effects by combustion, that are required to comply with the construction, chemical composition, and labeling regulations promulgated by the United States consumer product safety commission under 16 CFR parts 1500 and 1507, and that are listed in APA standard 87-1, 3.1.2, 3.1.3, or 3.5. Consumer fireworks does not include low-impact fireworks.
- b. Low-impact fireworks means ground and handheld sparkling devices as that phrase is defined under APA standard 87-1, 3.1, 3.1.1.1 to 3.1.1.8, and 3.5.

Section 4: Ignition, Discharge, and Use of Consumer Fireworks

- a. The ignition, discharge, and use of Consumer Fireworks in Centerville Township is prohibited at all times except for the following days after 11 a.m.:
 - 1. December 31 until 1 a.m. On January 1
 - 2. The Saturday and Sunday immediately preceding Memorial Day until 11:45 p.m. on each of those days.
 - 3. June 29 to July 4 until 11:45 on each of those days.
 - 4. July 5, if that date is a Friday or Saturday, until 11:45 p.m.
 - 5. The Saturday and Sunday immediately preceding Labor Day until 11:45 p.m. On each of those days.

b. A person shall not ignite, discharge or use consumer fireworks on public property, school property, church property or the property of another person, without that person or organization's express permission to use the consumer fireworks on those premises.

c. A person shall not use consumer fireworks or low impact fireworks while under the influence of alcoholic liquor, a controlled substance or a combination of alcoholic liquor and a controlled substance, or other intoxicating substance.

d. Consumer fireworks shall only be used in accordance with all applicable local, state and federal laws.

Section 5: Severability

This Ordinance shall be deemed severable. If any word, sentence, clause, section, or provision is declared invalid or unenforceable for any reason by any court of competent jurisdiction, it shall not affect any other portion of this Ordinance and the remaining portions of this Ordinance shall remain valid and enforceable.

Section 6: Penalty/ Civil Infraction.

Any person who violates any provision of this Ordinance shall be responsible for a municipal civil infraction as defined in Public Act 12 of 1994, amending Public Act 236 of 1961, being Sections 600.101-600.9939 of Michigan Compiled Laws, and shall be subject to a fine \$1000.00 , plus cost and assessments as provided in MCL 600.8727. A remittance of \$500.00 of the fine for each violation shall be made to the local law enforcement agency responsible for enforcing the ordinance. Each day this Ordinance is violated shall be considered as a separate violation.

Section 8: Effective Date.

This Ordinance took effect 30 days following publication of passage. The amendments to this ordinance take effect immediately upon passage by the township Board of Trustees.